

PAKISTAN AFFAIRS

DESCRIPTIVE PART

—(QUESTION NO-2)—

1) INTRODUCTION

The 26th Constitutional Amendment of 2024 also called the "Constitutional Package", focuses on the judicial reforms. It limits the Chief Justice of Pakistan's term to three years and gives the Prime Minister the authority to select CJP, from among the three most senior judges of Supreme Court. It is said to curtail the Supreme's Court Suo Motu powers. This amendment is considered the second most significant and major amendment after the 18th Amendment of 2010. The 26th Amendment has done several key changes in the constitution of Pakistan that can have serious consequences of separation of powers violation and institutional disbalance in the country.

MAIN CHANGES MADE THROUGH 26TH AMENMENT

(1) Key Changes to the CJP's Appointment Process

(a) Amendments to the Article 175 A

The Chief Justice will now be appointed from among the three most senior Supreme Court judges upon the recommendation from a Special Parliamentary Committee. The PM will forward the name recommended by committee to the president for approval.

(b) Special Parliamentary Committee Structure

The Special parliamentary committee structure shall have 12 members; 8 from National Assembly and 4 from Senate. The meetings will be held in camera and committee will decide by a 2/3rd majority.

(c) Chief Justice of Pakistan's Term Limit

The Chief Justice of Pakistan's term is set at 3 years, regardless of age.

(2) Changes to the Supreme Courts Jurisdiction

(a) Reduction of Suo Motu Powers

The article 184 declares a reduction in the Suo Motu powers of Supreme Court; by which the supreme authority of supreme court is challenged.

(b) Case Transfer Powers

Under 186 A, the supreme court has now power to transfer cases between high courts or take them up itself.

(3) Amendments to the Article 203D

This clause enables the "Federal Shariah Court" (FSC) to determine whether a law contradicts Islamic injunctions. A new provision requires that any appeal against decisions made after the 26th amendment must be resolved within 12 months.

(4) Modifications to the Judicial Commission's Role

(a) Direct Nominations to the PM

The Judicial Commission of Pakistan (JCP) will now send judge's nominations directly to the

Prime Minister, indicating the omission of the older eight membered parliamentary committee structure.

(b) Rule Making Powers

The Judicial Commission of Pakistan can establish criteria for evaluation and fitness of Judges.

(5) Revisions to Article 229

Changes now allow any parliamentary house or provincial assemblies to seek the Council of Islamic Ideology (CII) advice on 1/4th of its total membership requests it, reducing the threshold of 2/5th.

(6) Elimination of Riba

In Article 38, which addresses social and economic welfare, the language has been modified from eliminate riba as early as possible to more definite mandate to eliminate riba before January 1, 2028.

6) Amendments to Article 48

The President's ability to act on advice has been clarified, emphasizing that inquiries into whether advice was given by the cabinet or prime ministers are not subject to court review. This removes the previous inclusion of ministers in such inquiries.

7) Updates to Article 215

It allows the Chief Election Commission (CEC) and Election Commission of Pakistan (ECP)'s members to "remain in office" until their successors are appointed, regardless of their term's expiration.

8) Clarification in Article 255

It specifies that if a required oath can not be taken before a designated person, it can be taken before another person nominated by Chief Justice of High Court in other cases.

9) Fourth Schedule

It aims to clarify the responsibilities of local self government in cantonment areas,

specifically regarding local taxes, fees and other charges.

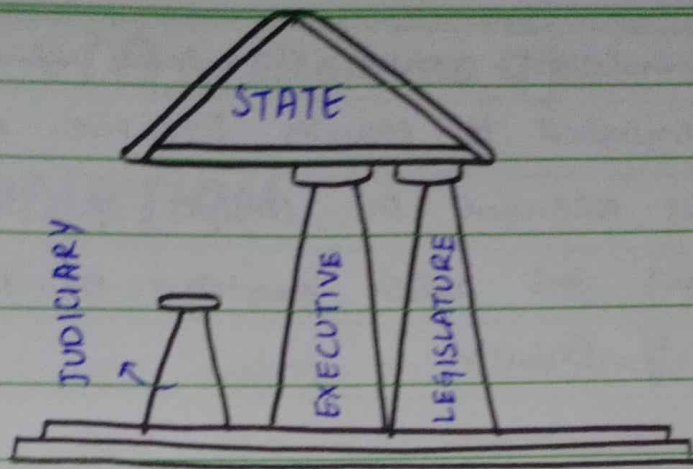
(10) Introduction of 9A

The 26th Amendment introduced a new clause of 9A that is the right to clean, healthy and sustainable environment.

(3) EFFECTS ON THE POLITICAL SYSTEM OF PAKISTAN

(A) Judiciary as a Toothless Tiger or not

The 26th Amendment has mainly targetted the Judiciary of Pakistan and has given immense powers to Executive. The state has almost diminished the role of judiciary and has stroked hard to make it a "toothless tiger". The power play has been totally inclined towards the "executive", indicating a dis-balance in the separation of powers. The current situation of state is illustrated quite well from the following figure.



(B) Checks and Balance system disturbed

The Supreme Court has no longer the right to intervene and challenge the decisions made by the executive. Hence, there is an elimination of the system of checks and balance and huge threat prevails on the head of citizens regarding the violation of their rights.

(C) Violation of "Separation of Powers" and Absence of Accountability

Judiciary, Executive, and legislature together maintain the balance of powers and prevent one another to gain extreme powers that can give birth to oligarchy or suppression. However, this balance has been disturbed under

The 26th Amendment where the power of Judiciary has been diminished to counter Executive or legislative. This has disturbed the concept of "separation of powers" and has raised questions on the future accountability of Executive.

CONCLUSION

In a nutshell, 26th Amendment is a major constitutional development in the history of Pakistan. It has several important key takeaways with a major target on the judicial reforms. This amendment has the risk of disturbing the state order and separation of powers. Though it has been challenged in the court, yet significant effects are to be waited to be seen.

—(Question no 4)—

(1) INTRODUCTION

Sir Syed Ahmad Khan was a prominent figure in the history of subcontinent, especially in the field of Education and Social Awareness. He was a popular advocate of Two Nation Theory in sub continent and fought hard for the rights of Muslims. Realizing that the traditional educational system and strategy of Muslims was not enough to meet the needs of changing times. Therefore, he gave his popular "trinity of ideas" i.e. loyalty to Britishers, aloofness from politics and acquiring modern education. His strategy paved path for the Muslims of sub continent to fight for their rights and freedom later on.

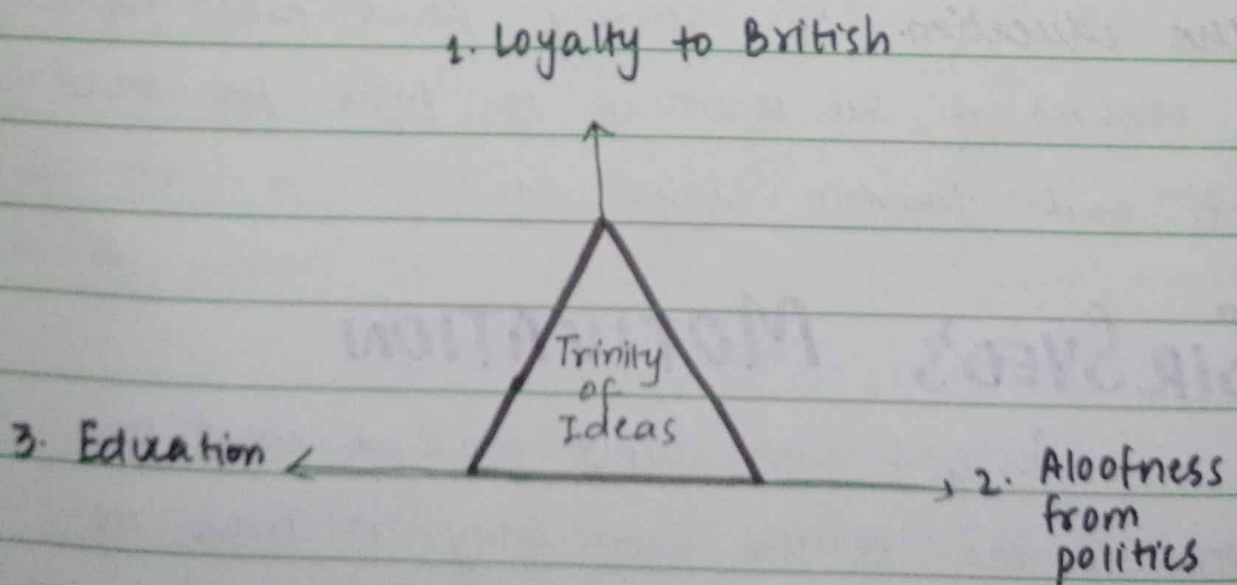
(2) SIR SYED'S MOTIVATION

Sir Syed was deeply concerned about the decline of the Muslim community in India. He believed that the Muslims were lagging behind the Hindus in education and were becoming marginalized.

in the society. He attributed this to the lack of modern education among Muslims and their unnecessary inclusion in the politics. Thus, he gave a threefold strategy to advise Muslims to be serious about their future.

3) THREEFOLD STRATEGY OF SIR SYED AHMAD KHAN - TRINITY OF IDEAS

Following are the milestones set by Sir Syed in awakening the Muslims of subcontinent and reducing their issues with British government.



(A) Loyalty to British

Sir Syed laid emphasis on Muslims to remain loyal to British government. The British after the 1857 war of Independence believed that the war was caused due to the Jihad tendency in Muslims. This perspective changed their attitude and they view Muslims as "rebellious". Sir Syed denied this fact and tried to convince the British government that the war was not caused by Muslims but a lot of other factors. At the same time, he advised Muslims to be the loyal subjects of British government. In his essay, "Causes of Indian Revolt", he wrote

"We ought to prove our loyalty to the (British) Government of India and to convince the English people that we are their friends, that we are true to our salt and do not wish to undermine their power."

(B) Aloofness from Politics

Sir Syed Ahmad Khan believed that Muslims in India should stay aloof from politics and focus instead on education and social reform. He said:

"Politics is a filthy drain. Those who are drawn into it are destroyed by the filth they have to handle."

He was of the opinion that Muslims in India were in a disadvantaged position and could not afford to participate in politics of time. as political involvement would distract them from the important work of education and social upliftment.

(C) Education

Sir Syed was a strong advocate for education and believed that Muslims in India need to acquire modern education to succeed in the changing world. He said:

"Education is the means of unlocking the golden doors of freedom."

He recognized that the only knowledge of Islamic education was insufficient to prepare Muslims for challenges of modern world. Thus, he urged his fellow Muslims to embrace modern education by highlighting its importance.

(4) IMPACTS BY THIS TRINITY OF IDEAS

(a) Strengthening of Muslim-British relations

Sir Syed's emphasis on loyalty to British helped ease tensions between Muslims and the British government. This stance influenced and helped in the future leadership, leading many Muslims to seek British support for separate rights and representation, contributing in Two Nation Theory.

(b) Intellectual growth through education

The Muslims started gaining the English education which enhanced their economic and social conditions.

(c) Recognition of Muslims as separate identity

With better economic status and changed image with respect to Britishers, the

started gaining respect and representation which later paved way for the independence movement

(5) CONCLUSION

To conclude, it can be clearly said that the "Trinity of ideas" was a remarkable concept given by Sir Syed. The key components of loyalty to British government, aloofness from politics and education made it easy for Muslims to get rid of the humiliation faced by the British and Hindus and lead a life of dignity along with Hindus. This strategy later made the path clear to the Two-Nation Theory.

— (Question no. 8) —

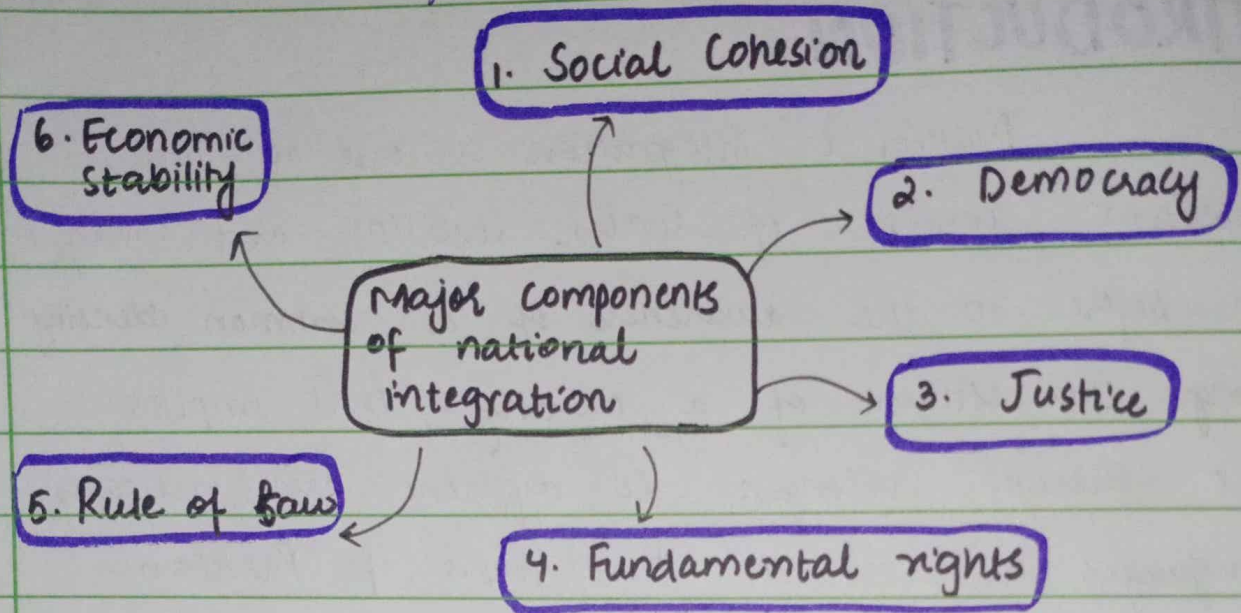
INTRODUCTION

National integration is one of the important concept of state's stability and sovereignty. It refers to the awareness of a common identity among the citizens of a country, that implies that though belonging to different castes, religions, languages and creed, the people of Pakistan must stand together under the flag of Pakistan and be recognized as Pakistanis. There are several key components of national integration including social cohesion, democracy, justice, fundamental rights, rule of law and economic stability. These components may find difficulty to be implemented due to some issues like unequal distribution of resources, absence of justice, centralization of power, sectarianism etc. These factors hamper the national integration of a state.

MAJOR COMPONENTS OF NATIONAL INTEGRATION

The major components of national

integration that are important for a state are shown in the diagram below:



1. Social Cohesion

Social cohesion refers to the unity of a society and its members. None of the group is being marginalized. Each social class should be treated with equal respect and honor. This component is essential for national integration.

2. Democracy

National integration supports and requires democracy i.e. public opinion matters the most. It condemns dictatorship and totalitarian rule as it weakens the relationship of citizens with state ultimately affecting national integration.

3. Justice

Another major component of national integration is Justice. It is important to ensure justice in state so that no one exploits the other and balance is maintained. Failing to do so, creates sentiments of hatred and anarchy in citizens that affects national integration.

4. Fundamental rights

National integration demands provision of basic and fundamental rights to its citizens. It includes freedom of expression, livelihood, food, shelter, religion etc. If fundamental rights are not provided to citizens, it results in loss of trust and the roots of national integration get weakened.

5. Rule of Law

It is important to implement the rule of law where everyone is treated equally and fairly. There is an environment of transparency and accountability and none of the fundamental rights and duties are ignored by state.

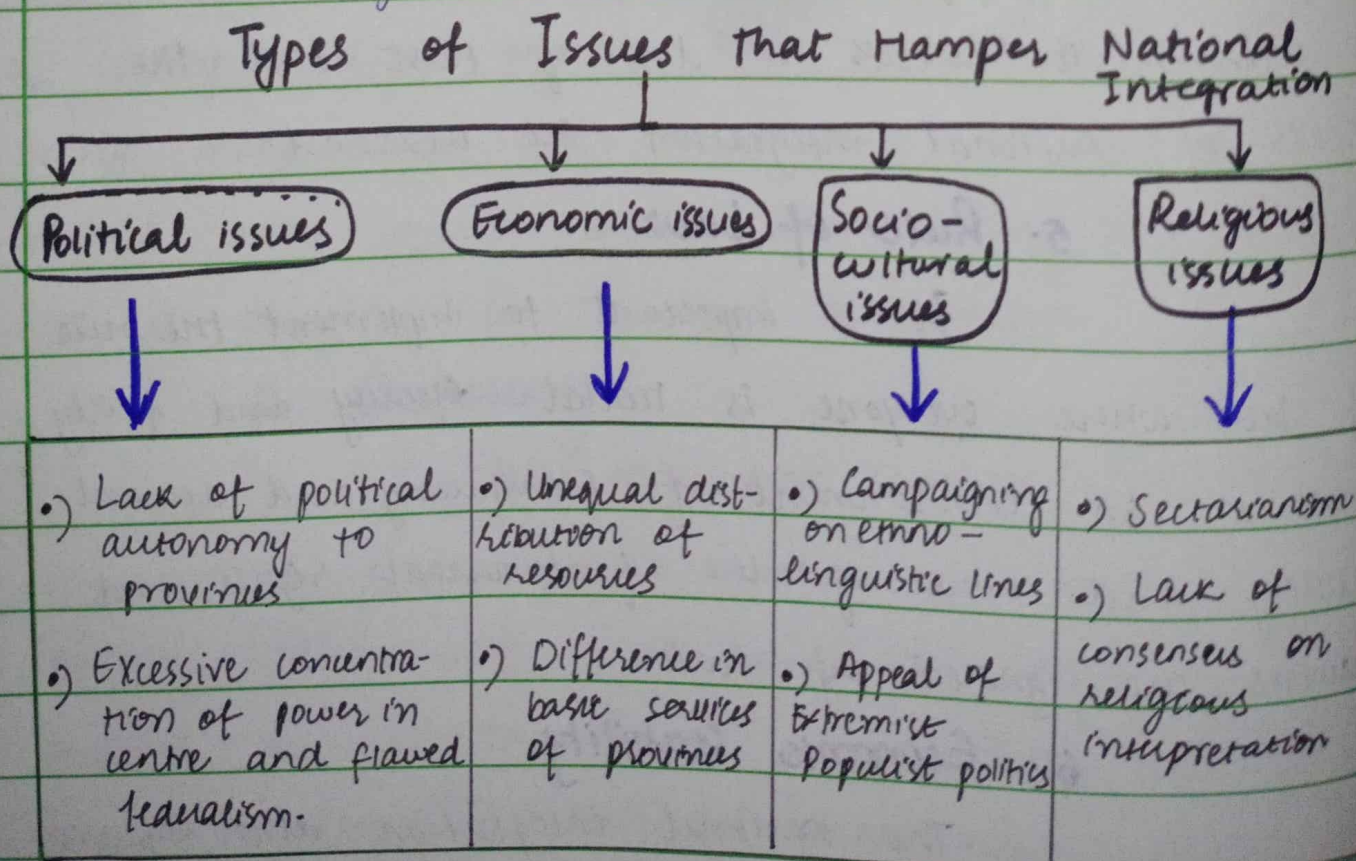
6. Economic stability

The national integration also requires

economic stability in the country. When financial needs of citizens are not fulfilled, chances to fall prey to crimes and other illegal activities increases. It also results in helping the enemies of nation and thus harms the national integration.

(3) ISSUES THAT HAMPER NATIONAL INTEGRATION

The following flow chart highlights the comprehensive overview of different issues that hamper national integration.



1) Lack of political autonomy to provinces

If provinces are not given autonomy to make their provincial policies based on their needs, then it ultimately creates hurdles in national integration. The provinces feel isolated and dictated under the central government, that they resent and become weak link of the state. This absence of power and not giving them freedom to run their own affairs, make provinces rebellious and they do not contribute in the national unity of nation.

2) Excessive concentration of power in centre and flawed federalism

When centre is concentrated with extreme power, it also hampers the national integration. There is no dissolution of power among the units which can result in misuse of power, ultimately leading to anarchic feelings among states / provinces and thus it weakens the national unity.

3. Unequal distribution of Resources

The unequal distribution of resources, whether natural or artificial, may also hamper the national integration. A state can not strengthen its national integration if its provinces are not treated equally. There should be no discrimination, when it comes to allocate equal resources. None of the groups should be marginalized or preferred.

4. Difference in Basic Services of Provinces

The entire state should have uniform services of health, education, jobs and livelihood. The standards should be equal and same for all. Difference in these basic services creates difference in societies and divides the state in different classes where the weak part of state becomes the weak link and hampers national integration.

5. Campaigning on ethno-linguistics basis

The elections campaigns based on ethno-linguistics also hampers national integration

When political campaigns focus on promoting the interests of a specific ethnic or linguistic group, they often emphasize differences rather than shared national identity. This can lead to fragmentation and the creation of "in-groups" and "out-groups" with each perceiving the other as competitors.

6. Appeal of Extremist Populist Appeals

The appeal of extremist populist politics hampers the national integration by fostering divisive "us versus them" narratives, which deepens societal divides and erode collective national identity. By promoting exclusionary policies and targeting specific groups, extremist populism prioritize narrow interests over inclusive unity, weakening social cohesion.

7. Sectarianism

Sectarianism also hinders the national integration. When state is divided on the basis of religious ideologies, it can not stand united and prefer national interest. Sectarianism also

gives rise to violence and extremist activities that hampers national integration

8. Lack of consensus on religious interpretation

The lack of consensus on religious interpretation leads to fragmentation within communities as differing views create divisions rather than unified belief system. This results in conflicts, weakening social harmony and making it challenging to establish shared values.

(4) CONCLUSION

In a nutshell, the national integration is a blend of several components like justice, social unity, democratic norms etc. This can be hampered by a no. of political, religious, economic and socio-cultural factors like sectarianism, unequal distribution of resources among provinces, lack of political autonomy and much more. It is important to address these issues and try to eradicate them in order to solidify and strengthen national integration.